

REMARKS

The Office Action indicated that the subject matter of Claims 3-13 and 16-18 would be allowed if rewritten in independent form.

Accordingly, independent Claim 1 has been amended to incorporate the indicated allowed subject matter of Claim 3. Thus, Claim 1 and the dependent Claims 2-15 and 17-18 should be allowable.

Claim 16 has now been written in independent form and is believed allowable.

Claim 19 has now been amended in a manner that incorporates the indicated allowable subject matter of acquiring position information and judging whether the monitoring device has shifted, wherein in an emergency, notification notices can be sent when the key input operation has not been detected in a preset period, and the monitoring device position has not shifted.

The claims have been amended to remove language associated with “operable to” to ensure a positive recitation of the elements in the claims in accordance with recent USPTO requirements.

Additionally, minor amendments were made to the specification and to the claims to ensure that the various judging functions for the control unit 109 for which Figure 5 is a flowchart example of one mode of operation, are readily distinguished in the claim language.

The Office Action rejected independent Claims 1 and 19 over a combination of *Uchida et al.* (U.S. Patent No. 6,696,956) in view of *Taiji et al.* (Japanese Laid-Open Patent Application 2001-127896).

Claim 19 has incorporated the indicated allowable subject matter which is set forth in Claim 1. That is, when the operation detection unit detects a key input operation by a user and a preset time period has passed, since an input operation has been detected by the monitoring

device, the present invention thereby can recognize a higher probability that the monitor person may actually be experiencing an emergency and accordingly, prevent false and potentially burdensome warnings that may cause our monitoring device and monitoring method to be less effective. That is, if there is a burden on both the people who are to be warned of a condition of the monitored user and the monitored user himself/herself has to respond repeatedly to unnecessary warning situations, it will create a potential for both parties to either ignore or stop utilizing the monitoring device and method of our present invention.

Thus, the capacity of judging whether or not the monitoring device is moving, enables a higher probability, thsy an emergency notification message will not be erroneously sent if the monitoring person is in transit or involved in an activity and, therefore, cannot perform the input operation on the monitoring device within a preset period.

Thus, the related or notified person is only sent an emergency notification message if the monitoring device is not moving and there is a higher possibility that an emergency has occurred.

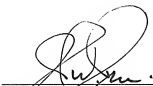
As can be readily appreciated, neither of the cited references alone or in combination disclose or suggest a position information acquisition unit and a position-shift judgment unit which is utilized in the present invention to improve the effectiveness of our monitoring system.

It is believed the application is now in condition for allowance and early notification of the same is requested.

If the Examiner believes that a telephone interview will help further the prosecution of this case, the undersigned attorney can be contacted at the listed telephone number.

Very truly yours,

SNELL & WILMER L.L.P.



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